

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

<b>DEAN WHITSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civ. No. 1:22-00250-SCR</b>
	)	
<b>v.</b>	)	
	)	
<b>KILOLO KIJAKAZI,</b>	)	
<b>Acting Commissioner of Social Security,</b>	)	
	)	
<u><b>Defendant.</b></u>	)	

**ORDER**

**THIS MATTER** is before the Court through a motion by Plaintiff, Dean Whitson, for an award of attorney’s fees, expenses, and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Defendant has consented to the Motion.

**AND NOW**, it is hereby, ORDERED that Plaintiff Dean Whitson is awarded attorney fees in the amount of Five Thousand Seven Hundred Dollars and 00/100 Cents (\$5,700.00) and Four Hundred and Two Dollars and 00/100 cents (\$402.00) in costs.<sup>1</sup> Full or partial remittance of the EAJA award will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government.

If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff’s counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of Plaintiff’s counsel. The amount of EAJA award payable to Plaintiff will be the balance of EAJA award remaining

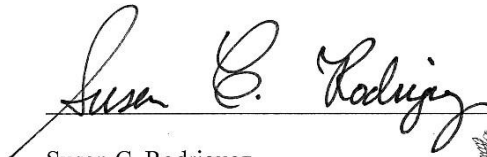
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<sup>1</sup>Costs are paid from the Judgment Fund by the Department of the Treasury if so ordered by the Court under 31 U.S.C. § 1304. *See* 28 U.S.C. § 2412(c)(1).

after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff Dean Whitson and sent to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order, the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

**SO ORDERED.**

Signed: April 24, 2023

  
Susan C. Rodriguez  
United States Magistrate Judge

